

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FILE COPY



In re Application of:

Ralf ZINK et al.

Application No.: 09/559,355

Group Art Unit:

Filed: April 27, 2000

Examiner:

For: ENHANCED GROWTH OF LACTIC
ACID BACTERIA IN MILK

Attorney Docket No.
8265-320

REQUEST FOR CORRECTION OF FILING RECEIPT

Office of Initial Patent Examination
Customer Service Center
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicant has received a filing receipt for the above-identified application and respectfully requests the following correction:

Change the spelling of the city of residence of the fourth named applicant, Lorenzo Morelli, to --Piacenza--.

A copy of the filing receipt with the requested change marked thereon is attached, along with a copy of the Declaration and Power of Attorney in support of this request.

No fee is believed to be due for this submission. Should any fees be required, however, please charge such fees to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date

8/2/00

Allan A. Fanucci, Reg. No. 30,256

PENNIE & EDMONDS LLP
1667 K Street, N.W.
Washington, D.C. 20006

(202) 496-4400

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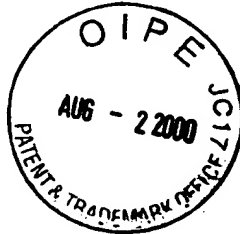
FILING RECEIPT



OC000000005263192

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: ASSISTANT SECRETARY AND
COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|-----------------|----------|------------|------------|
| 09/559,355 | 04/27/2000 | 1761 | 820 | 8265-320 | 2 | 17 | 3 |

20582
PENNIE & EDMONDS LLP
1667 K STREET NW
SUITE 1000
WASHINGTON, DC 20006

Date Mailed: 07/24/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Ralf Zink, Le Mont Pelerin, SWITZERLAND;
Marina Elli, Lausanne, SWITZERLAND;
Roberto Reniero, Le Mont Pelerin, SWITZERLAND;
Lorenzo Morelli, ~~Piacenza~~, ITALY;
Piacenza

Continuing Data as Claimed by Applicant

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 99 108 717.2 04/30/1999

If Required, Foreign Filing License Granted 07/11/2000

Title

Enhanced growth of lactic acid bacteria in milk

Preliminary Class

426

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DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

ENHANCED GROWTH OF LACTIC ACID BACTERIA IN MILK

and for which a patent application is attached hereto and is identified as PENNIE & EDMONDS LLP Docket No. 8265-320-999.

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION | | | |
|--|---------|--------------------------------------|---|
| APPLICATION NUMBER | COUNTRY | DATE OF FILING (day, month, year) | PRIORITY CLAIMED |
| 99 108 717.2 | EPO | 30 April 1999 | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> NO <input type="checkbox"/> |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

| APPLICATION NUMBER | FILING DATE |
|--------------------|-------------|
| | |
| | |

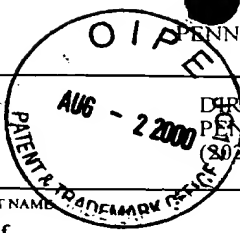
I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| APPLICATION SERIAL NO. | FILING DATE | STATUS | | |
|------------------------|-------------|----------|---------|-----------|
| | | PATENTED | PENDING | ABANDONED |
| | | | | |
| | | | | |

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), William S. Galliani (Reg. No. 33885), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), and Alan Tenenbaum (Reg. No. 34939), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: PENNIE & EDMONDS LLP
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DIRECT TELEPHONE CALLS TO:
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(302) 496-4721



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|-----|-------------------------|---|--|--|--------------------------|
| 201 | FULL NAME OF INVENTOR | LAST NAME ZINK | FIRST NAME Ralf | MIDDLE NAME | |
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| | POST OFFICE ADDRESS | STREET 2, Via Cittadella | CITY Piacenza | STATE OR COUNTRY Italy | ZIP CODE 29100 |
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| | RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP | |
| | POST OFFICE ADDRESS | STREET | CITY | STATE OR COUNTRY | ZIP CODE |
| 206 | FULL NAME OF INVENTOR | LAST NAME | FIRST NAME | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP | |
| | POST OFFICE ADDRESS | STREET | CITY | STATE OR COUNTRY | ZIP CODE |

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | |
|--|--|--|
| SIGNATURE OF RALF ZINK <i>Ralf Zink</i> | SIGNATURE OF MARINA ELLI <i>Marina Elli</i> | SIGNATURE OF ROBERTO RENIERO <i>Roberto Reniero</i> |
| DATE 22.05.00 | DATE 23.06.00 | DATE 22/5/2000 |
| SIGNATURE OF LORENZO MORELLI <i>Lorenzo Morelli</i> | SIGNATURE OF INVENTOR 205 | SIGNATURE OF INVENTOR 206 |
| DATE 23/06/2000 | DATE | DATE |

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Bib Data Sheet


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Patent and Trademark Office

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 Washington, D.C. 20231

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|------------------------------------|---|---------------------|-------------------------------|--|
| SERIAL NUMBER 09/559,355 | FILING DATE 04/27/2000 RULE - | CLASS 426 | GROUP ART UNIT 1761 | ATTORNEY DOCKET NO. 8265-320 |
|------------------------------------|---|---------------------|-------------------------------|--|

APPLICANTS
 Ralf Zink, Le Mont Pelerin, SWITZERLAND;
 Marina Elli, Lausanne, SWITZERLAND;
 Roberto Reniero, Le Mont Pelerin, SWITZERLAND;
 Lorenzo Morelli, Piacenza, ITALY;
**** CONTINUING DATA *********** FOREIGN APPLICATIONS *******

EUROPEAN PATENT OFFICE (EPO) 99 108 717.2 04/30/1999

IF REQUIRED, FOREIGN FILING LICENSE GRANTED**** 07/11/2000**

| | | | | |
|---|--|----------------------------|---------------------------|--------------------------------|
| Foreign Priority claimed <input checked="" type="checkbox"/> yes <input type="checkbox"/> no | STATE OR COUNTRY SWITZERLAND | SHEETS DRAWING 2 | TOTAL CLAIMS 17 | INDEPENDENT CLAIMS 3 |
| 35 USC 119 (a-d) conditions met <input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance | | | | |
| Verified and Acknowledged Examiner's Signature _____ Initials _____ | | | | |

ADDRESS

20582

TITLE

Enhanced growth of lactic acid bacteria in milk

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| FILING FEE RECEIVED 820 | FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following: | <input type="checkbox"/> All Fees |
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| | | <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) |
| | | <input type="checkbox"/> 1.18 Fees (Issue) |
| | | <input type="checkbox"/> Other _____ |
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